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March 2, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Ms. Magalie R. Salas
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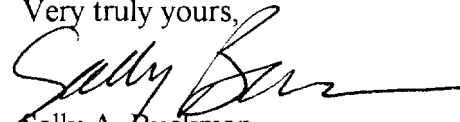
Re: **MM Docket Numbers 98-43, 94-149**

Dear Ms. Salas:

Central Florida Educational Television, Inc., permittee of television Station WLCB-TV, Leesburg, Florida, and Good Life Broadcasting, Inc., proposed assignee of the construction permit for Station WLCB-TV, by their attorneys and pursuant to Section 1.429 of the Commission's rules, hereby submit an original and four copies of Comments regarding two Petitions for Reconsideration of the Commission's Memorandum Opinion & Order filed in the above-referenced proceeding. The Petitions for Reconsideration were filed by (1) Knox Broadcasting Group, Inc. and (2) Calipatria Broadcasting Company, LLC and Rancho Palos Verdes Broadcasters, Inc.

In the event there are any questions concerning this matter, please contact the undersigned.

Very truly yours,


Sally A. Buckman

SAB/gfe
Enclosure

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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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In the Matter of)
)
1998 Biennial Regulatory Review -)
Streamlining of Mass Media Applications,)
Rules, and Processes)
)
Policies and Rules Regarding)
Minority and Female Ownership of)
Mass Media Facilities)

MM Docket No. 98-43
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MM Docket No. 94-149

To: The Commission

COMMENTS REGARDING PETITIONS FOR RECONSIDERATION

Central Florida Educational Television, Inc., permittee of television Station WLCB-TV, Leesburg, Florida, and Good Life Broadcasting, Inc., proposed assignee of the construction permit for Station WLCB-TV (jointly referred to herein as "Commenters") hereby submit comments with respect to two Petitions for Reconsideration filed with the Commission on November 22, 1999 in the above-referenced matter.¹ The Petitions for Reconsideration were filed by (1) Knox Broadcasting Group, Inc. ("Knox") and (2) Calipatria Broadcasting Company, L.L.C. ("Calipatria") and Rancho Palos Verdes Broadcasters, Inc. ("Rancho Palos Verdes") (collectively referred to herein as "Petitioners").

¹Notice of the filing of the Petitions for Reconsideration was published in the Federal Register on February 16, 1999. Accordingly, these comments are timely filed.

On November 25, 1998, the Commission released a Report and Order in the above-referenced proceeding (the "Streamlining Order"). In re 1998 Biennial Regulatory Review - Streamlining of Mass Media Applications, Rules and Processes; Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities, 13 FCC Fcd 25,056 (1998). The Commission created a uniform three year term applicable to all construction permits and automatically extended construction permits that had been outstanding for less than three years or that had an extension request pending to three years from the date of the initial construction permit. On October 6, 1999, the Commission released a Memorandum Opinion and Order (the "Streamlining MO&O") which, based on several petitions for reconsideration that had been filed, modified the rules governing the new construction permit term. Specifically, the Streamlining MO&O provided as follows:

[W]e will provide relief to permittees holding valid initial authorizations or extensions on February 16, 1999, the effective date of the Streamlining Order, including permittees whose authorizations have already expired but for which forfeiture is not final. Pursuant to the action we take today, these permittees' authorizations will now be automatically forfeited, either (a) one year from the effective date of this Order or (b) on the existing expiration date, whichever is later. Furthermore, concerning the additional time hereby granted, permittees may employ the tolling provisions adopted in the Streamlining Order as revised infra.

Streamlining MO&O at para. 29 (footnotes omitted).

Petitioners request that the Commission extend the additional one year period for construction to permittees "who had permits cancelled prior to the effective date of the new rules,

where such cancellation still has not yet become final." Petition for Reconsideration of Knox Broadcasting Group, Inc. at 1. In their Petition for Reconsideration, Calipatria and Rancho Palos Verdes note that the language in the Streamlining MO&O quoted above which states that permittees "whose authorizations have already expired, but for which forfeiture is not final" will receive the one year extension is "sufficiently ambiguous to allow one to interpret it as extending relief to those who have appealed their construction permit forfeitures." Calipatria Petition for Reconsideration at 5 n. 3. However, Calipatria explains that this is not the interpretation the Commission is applying: "The Commission's interpretation is that the extension will be available only to those holding valid authorizations or extensions as of the February 16 cutoff date." Id.

Like Petitioners, Commenters agree that the language in the Streamlining MO&O should be interpreted to provide permittees whose construction permits had expired or been cancelled as of February 16, 1999, but for which the forfeiture was not final, the one year construction period provided to other permittees. To conclude otherwise would be both illogical and inequitable. Permittees holding valid permits as of February 16, 1999 were clearly able to undertake efforts to construct their stations within the three year construction period provided by the new rules or to demonstrate that they would be subject to the tolling provisions of the new rules. It is the permittees whose construction permits have expired or had been cancelled and for which the cancellation is not final who are clearly most in need of the additional one year construction period because they have been unable to take any action to construct their stations following the adoption of the new rules.

As an example, Central Florida has been unable to construct Station WLCB since its last construction permit expired in 1992. Since that time, the question of whether the WLCB

permit should be extended or reinstated has been subject to litigation.² As Knox explains in its Petition, permittees such as Knox and Central Florida have apparently been excluded from the group to whom the one year will apply for no apparent reason. The plain meaning of the language in the Streamlining MO&O -- "including permittees whose authorizations have already expired but for which forfeiture is not final" -- suggests that permittees such as Petitioners and Central Florida should receive the benefit of the one year period, since cancellation of their permits is not final. The Commission's decision to interpret this language to exclude such permittees without providing any written clarification is ad hoc, arbitrary and capricious. The FCC has not offered any, let alone a reasonable, explanation for its interpretation that the one year extension should not apply to such permittees. In fact, this interpretation is contrary to previous rulings in which the Commission has concluded that a permittee may not be faulted for not constructing during the pendency of an extension or reinstatement application or while a grant of a construction permit is clouded by a pending administrative or judicial challenge. See California State University, Sacramento, 13 FCC Rcd. 17960, 17964-65 (1968) ("California State").

The Commission's apparent intention to interpret the Streamlining MO&O to exclude permits that had expired or been cancelled as of February 16, 1999 but for which the cancellation was not final, is particularly inequitable to permittees like Central Florida that have filed timely requests for reinstatement and extension because, although it is clearly possible and

² At this time, Commenters' Petition for Reconsideration of a February 12, 1999 letter decision issued by the Mass Media Bureau cancelling the WLCB-TV construction permit is pending.

even probable that the Commission or the courts might conclude that their permits should be reinstated, such permittees cannot construct their stations while their reinstatement applications are pending. California State, supra.

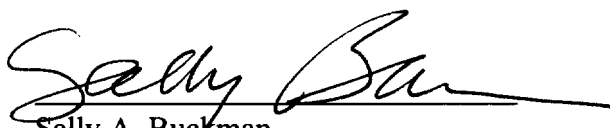
Permittees like Central Florida are truly in limbo. They cannot construct because their permits have expired, and their permits will be automatically forfeited under the Commission's interpretation of the new rules, notwithstanding that no final decision was ever reached on their pending requests for extension or reinstatement. These permittees deserve a one year transaction period as much if not more than permittees who have had the opportunity to construct since the new rules were announced.

For the reasons set forth herein, Commenters request that the Commission clarify that it intends to interpret the Streamlining MO&O to cover any permittee who holds a permit for which the cancellation has not become final.

Respectfully submitted,

CENTRAL FLORIDA EDUCATIONAL
TELEVISION, INC.

GOOD LIFE BROADCASTING, INC.

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March 2, 2000

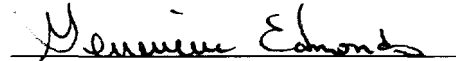
Their Attorneys

CERTIFICATE OF SERVICE

I, Genevieve F. Edmonds, hereby certify that a true and correct copy of the foregoing Comments Regarding Petitions for Reconsideration was sent by first-class postage prepaid mail this 2nd day of March 2, 2000 to the following:

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